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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,706	12/02/2004	Mitsutoshi Shinkai	450100-05032	6597
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
06/11/2008				
EXAMINER				
HARVEY, DAVID E				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
06/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,706

Applicant(s)

SHINKAI ET AL.

Examiner

DAVID E. HARVEY

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 12/2/2004
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) Line 1 of claim 1 indicates the claim is directed to an "apparatus". However the body of the claim fails to recite any structure of the apparatus. As such, the claim is confusing and indefinite. Claims 2-12 require similar clarification.

2) Line 1 of claim 13 indicates the claim is directed to a "method". However the body of the claim fails to recite any steps that performed by the method. As such, the claim is confusing and indefinite. Clarification is needed.

3) In line 4 of claim 1, "is detected" is confusing and indefinite because it is not clear what structure/element of the apparatus performs this detection. Clarification is needed.

4) In lines 5-6 of claim 1, "is continuously supplied" is confusing and indefinite because it is not clear what structure/element of the apparatus performs this supply. Clarification is needed.

5) In line 6 of claim 1, "which is supplied" is confusing and indefinite because it is not clear what structure/element of the apparatus performs this supply. Clarification is needed.

6) In line 10 of claim 1, "is divided" is confusing and indefinite because it is not clear what structure/element of the apparatus performs this dividing. Clarification is needed.

7) In line 11 of claim 1, "and recorded" is confusing and indefinite because it is not clear what structure/element of the apparatus performs the recording. Clarification is needed.

8) In lines 3-4 of claim 1, "is the data based on" is confusing and indefinite because it is not clear to what it refers. Clarification is needed.

9) In line 3 of claim 3, "of a unit" is confusing and indefinite because it is not clear what it refers – unit of what? Similar clarification is needed in claim 11.

10) In lines 2 of claim 4, "said random access unit" has no antecedent basis because claim 4 depends from claim 2 (not claim 3). Clarification is needed.

11) In line 2 of claim 9, "data which is formed by said division" is confusing and indefinite because it is not as to what it refers – i.e., structure "for forming" has not been recited. Clarification is needed.

Art Unit: 2621

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,286,281 to Suzuki.

As shown in Figure 14, Suzuki discloses an apparatus comprising:

A) Switch (@ 7) for providing a time-sequential video signal, having different video signal formats, for recording on a disc shaped recording medium (@ 9) [note lines 17-18 of column 1];

B) Circuitry (@ 90, and 91) for detecting changes in the format of the continuously provided video signal from switch 7, i.e., via the timing signal provided by control circuit 8, so as to generate (@ 90) and an add and identification signal (@ 91) to the continuously provided video thereby causing the continuously provided video signal to be divided at the transitions between signal formats.

6. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,286,281 to Suzuki for the same reasons that were set forth for claim 1 above.

As shown in Figure 14, the video signal includes audio data.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable by US Patent #4,286,281 to Suzuki for the same reasons that were set forth for claim 5 above.

Claim 6 differs from the showing of Suzuki in that it recites that the audio signal is encoded using PCM. Suzuki, however, indicates that the audio signal may be sent in a digital format and, in such cases, a quantizer is needed [note lines 22-28 of column 9]. The examiner takes Official notice that a PCM encoder is a notorious well known device for performing such quantization. It would have been obvious to one of ordinary skill in the art to have implemented the quantizer in Suzuki using a conventional PCM encoder.

9. US patent #6,704,493 to Matthews et al., US Patent Document #2006/0114136 to Chu et al. and US Patent #6,904,403 to Muraki et al have been cited because they illustrate system in which a sequentially conveyed signal comprises multiple formats.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/
Primary Examiner, Art Unit 2621

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Art Unit 2621